

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
AT DAYTON

SHALANDA PATTERSON, : CASE NO. _____
ADMINISTRATOR OF THE ESTATE :
OF DEVENNA A. PATTERSON, ET :
AL. :
: Judge _____
: _____
Plaintiffs, : NOTICE OF REMOVAL
: _____
-vs- :
: _____
: _____
SERVICE PLUS TRANSPORT, INC., :
ET AL. :
: _____
: _____
Defendants.

TO:

Shalanda Patterson, Admin. Of the Estate
of Devenna Patterson
In care of
Jason Rappaport, Esq.
Andrew Yuspeh, Esq.
Yuspeh Rappaport Law, LLC
5001 Mayfield Rd., Suite 210
Lyndhurst, Ohio 44124
Trial Attorneys for Plaintiffs

Melissa M. Tuttle
Clark County Clerk of Courts
PO BOX 1008
101 N. LIMESTONE ST.
SPRINGFIELD, OH 45501

PLEASE TAKE NOTICE that this Notice of Removal of the above-styled action from the Clark County, Ohio Court of Common Pleas, to the United States District Court for the Southern District of Ohio at Dayton, has been filed with the United States District Court. A copy of the Notice of Removal is being served upon you, and a copy of the Notice of Removal is being filed with the Clerk of Courts of the Court of Common Pleas, Clark County, State of Ohio, in conformity with 28 U.S.C. § 1446(d).

Defendant bases this removal on 28 U.S.C. § 1441(a), which states:

[A]ny civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant

or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.

The United States District Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1332, which provides "... district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between ... citizens of different states...."

Plaintiffs allege that Ms. Patterson was tragically killed as a result of a single vehicle semi-tractor accident in Wisconsin. See, *Complaint*, generally, and Exhibit 1. Plaintiffs' Complaint alleges as a result of "The negligence of Timothy B. Green, Jr., included the following: Mr. Green drove the semi-tractor trailer off the roadway and broke through the guardrail. [Green] then drove the vehicle off the edge of a cliff at Mirror Lake. The vehicle fell approximately 107 feet to the frozen lake below. The vehicle broke through the ice and the tractor became submerged under the water; at some point the trailer broke away from the tractor and floated to the surface of the water. As a direct and proximate result of the negligence of Timothy B. Green, Jr., Devenna Patterson suffered fatal injuries." *Complaint* at ¶ 49. Further, the Complaint alleges Plaintiffs have incurred "damages for loss of support, from the reasonably expected earning capacity of the decedent; loss of services of the decedent; loss of society of the decedent, companionship, consortium and care; loss of prospective inheritance to the decedent's heirs; and mental anguish." *Id.* at ¶ 50.

Plaintiffs allege generally that the corporate defendants are vicariously liable for Green's negligence, as joint venturers or negligent entrusters of the semi-tractor. See, *Complaint*, generally. Plaintiffs also claim punitive damages from all defendants. See, *Complaint*, Prayer for Relief, p. 18. There should be little doubt that the amount in controversy here exceeds \$75,000.00, sufficient to invoke the Court's diversity jurisdiction.

According to the Complaint, Plaintiffs, Shalanda Patterson, both as Administrator of the Estate of Devenna Patterson and individually, are residents of Ohio. The Service Plus companies are all residents of Minnesota. CDL Training is allegedly a resident of Kentucky. Finally, the Complaint alleges that Green was a resident of Enon, Ohio at the time of the accident. Upon information and belief, including information contained in the police report, Green listed his address as Elizabethtown, KY at the time of the accident. See, excerpts from Police Report, attached hereto as Exhibit 2. Therefore, this case is between citizens of different states.

Because the requirements of 28 U.S.C. § 1332 establishing diversity jurisdiction and amount in controversy are satisfied, it is proper to remove this case to the United States District Court for the Southern District of Ohio.

Respectfully submitted,

/s/ Kevin C. Connell

Kevin C. Connell, Esq. (0063817)
Adam C. Armstrong, Esq. (0079178)
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Dayton, OH 45423
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kconnell@bcvalaw.com
aarmstrong@bcvalaw.com
*Counsel for Defendants Service Plus Transport,
Inc., Service Plus Logistics, Inc., Service Plus,
LLC, and SP Leasing, LLC*

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served this 20th day of December 2019, via U.S. mail, postage prepaid or electronic mail, upon the following:

Jason Rappaport, Esq.
Andrew Yuspeh, Esq.
Yuspeh Rappaport Law, LLC
5001 Mayfield Rd., Suite 210
Lyndhurst, Ohio 44124
Trial Attorneys for Plaintiffs

/s/ Kevin C. Connell

Kevin C. Connell (0063817)
4851-5315-0383, v. 2

COURT OF COMMON PLEAS, CLARK COUNTY, OHIO

101 N. LIMESTONE ST., SPRINGFIELD, OH. 45502

SUMMONS

CASE NO: 19CV0540

CAPTION: SHALANDA PATTERSON vs. SERVICE PLUS TRANSPORT INC

TO: SERVICE PLUS TRANSPORT INC
ATTN: SARAH STORLIE, CEO
3686 FLOWERFIELD CIRCLE
CIRCLE PINES MN 55014

You have been named as defendant in a complaint that has been filed in the Clark County Courthouse, Court of Common Pleas, Springfield, Ohio, by plaintiff (s):

SHALANDA PATTERSON
1260 BEECH ST
FAIRBORN OH 45324

A copy of the **COMPLAINT WITH JURY DEMAND ENDORSED HEREON** is/are attached hereto. The name and address of plaintiff's attorney is:

JASON SCOTT RAPPAPORT, ESQ
5001 MAYFIELD ROAD SUITE 210
MAYFIELD OH 44124

You are hereby summoned and required to file an answer to the complaint with the Court within twenty-eight days after service of this summons on you, exclusive of the day of service. You must also serve upon the plaintiff's attorney, or upon the plaintiff, if he has no attorney of record, a copy of this answer within three days of being filed with the Court.

If you fail to answer, appear and or defend, judgment by default will be rendered against you for the relief demanded in the complaint.

MELISSA M TUTTLE, CLERK OF COURTS

Asst. Clerk
DEPUTY CLERK

11/20/2019

EXHIBIT



COURT OF COMMON PLEAS
CLARK COUNTY, OHIO

19 CV 540

Case No.: _____

SHALANDA PATTERSON,
ADMINISTRATOR OF THE
ESTATE OF DEVENNA AUSRIE
PATTERSON
1260 BEECH STREET
FAIRBORN, OHIO 45324

AND

SHALANDA PATTERSON
1260 BEECH STREET
FAIRBORN, OHIO 45324,

Plaintiffs,

-VS.-

SERVICE PLUS TRANSPORT, INC.
ATTN: SARAH STORLIE, CEO
3686 FLOWERFIELD CIRCLE
PINES, MINNESOTA 55014

Please Also Serve:
Service Plus Transport, Inc.
c/o Sarah Storlie, CEO
26798 Olympic Trail
Lindstrom, Minnesota 55045

AND

SERVICE PLUS LOGISTICS, INC.
ATTN: SARAH STORLIE, CEO
3686 FLOWERFIELD ROAD NE
BLAINE, MINNESOTA 55014
Please Also Serve:
Service Plus Logistics, Inc.
c/o Sarah Storlie, CEO
26798 Olympic Trail
Lindstrom, Minnesota 55045

FILED
2019 NOV 13 AM 10:55
CLERK
CLARK COUNTY
COURT

COMPLAINT WITH
JURY DEMAND
ENDORSED HEREON

AND

SERVICE PLUS, LLC
c/o BARBARA J. BAK, REG. AGENT
1026 5th STREET SOUTH
ST. JAMES, MINNESOTA 56081

AND

SP LEASING, LLC
ATTN: SARAH STORLIE, MANAGER
3686 N. FLOWERFIELD ROAD
BLAINE, MINNESOTA 55014
Please Also Serve:
S.P. Leasing, LLC
c/o Sarah Storlie, Manager
26798 Olympic Trail
Lindstrom, Minnesota 55045

AND

C.D.L. TRAINING SERVICE AND
CONSULTING, INC.
210 STEEL DRIVE
ELIZABETHTOWN, KENTUCKY 42701
Please Serve:
C.D.L. Training Service and Consulting,
Inc.
c/o Jeffrey Bauza
1927 Irvin Cobb Drive, Suite 2A
Paducah, Kentucky 42003

AND

ESTATE OF TIMOTHY B. GREEN, JR.
306 SOUTH XENIA DRIVE
ENON, OHIO 45323
Please Serve:
Estate of Timothy B. Greene, Jr.
c/o Bradley A. Somogyi, Administrator
Kisling, Nestico & Redick
3412 West Market Street
Akron, Ohio 44333
Defendants.

Now Come Plaintiffs Estate of Devanna Ausrie Patterson, by and through its Administrator, Shalanda Patterson, et. al., by and through counsel, and respectfully state their Complaint against the named Defendants as follows:

I. THE PARTIES

1. Plaintiff Shalanda Patterson, the sister of the Plaintiff's decedent, Devanna Ausrie Patterson, brings this action in her representative capacity as Administrator of the Estate of Brandi Nicole and on her own behalf as next of kin of Plaintiff's decedent, Devanna Ausrie Patterson. Plaintiff Shalanda Patterson was duly appointed as Administrator of the Estate of Devanna Ausrie Patterson, on April 22, 2019, in Case No. 45960E, in the Probate Court of Greene County, Ohio.

2. Defendant Service Plus Transport, Inc. is a Minnesota licensed motor carrier, (USDOT # 486778), which is engaged in the interstate trucking business and/or brokering of freight, as part of a joint venture with Defendants Service Plus Transport, Inc., Service Plus Logistics, Inc. and SP Leasing, LLC

3. Defendant Service Plus Logistics, Inc. is Minnesota licensed motor carrier (USDOT # 2233749) which is engaged in the interstate trucking business and/or the brokering of freight, as part of a joint venture with Defendants Service Plus Transport, Inc., Service Plus Logistics, Inc. and SP Leasing, LLC

4. Defendant SP Leasing, LLC is a Minnesota limited liability company, which is engaged in the interstate trucking business and/or the brokering of freight, as part of a joint venture with Defendants Service Plus Transport, Inc., Service Plus Logistics, Inc., Service Plus, LLC.

5. Defendant C.D. L. Training Services & Consulting, Inc. is an Illinois corporation, with its principal place of business located at 3600 Nameoki Street, in Granite City, Illinois 62040, and a business location at 210 Steel Drive in Elizabethtown, Kentucky 42701. Defendant C.D.L.

Training Services & Consulting, Inc. is the entity which provided training and/or employment to the driver, Timothy B. Green, Jr. and is liable for the negligent training provided to Timothy B. Greene, Jr., as a commercial truck driver.

6. Defendant Service Plus, LLC is a Minnesota limited liability company, which is engaged in the interstate trucking business and/or the brokering of freight, as part of a joint venture with Defendants Service Plus Transport, Inc., Service Plus Logistics, Inc. and SP Leasing, LLC.

7. Defendant, the Estate of Timothy B. Greene, Jr. resides at 306 South Xenia Drive, in Enon, Clark County, Ohio 45323 and is being duly administered by Bradley A. Somogyi, Administrator, Kisling, Nestico & Redick, 3412 West Market Street, Akron, Ohio 44333.

II. JURISDICTION AND VENUE

8. Jurisdiction is properly invoked as this Court has jurisdiction over wrongful death, survivorship, loss of consortium and personal injury actions, in which one or more of the Defendants reside within Clark County, Ohio.

9. Venue is properly invoked in Clark County, Ohio, as one or more of the Defendants resides in Clark County, Ohio. Further, each of the Defendants conduct substantial business in Clark County, Ohio.

III. FACTUAL ALLEGATIONS

10. Plaintiffs restate and incorporate by reference the allegations contained in Paragraphs One through Nine (1-9) of the Complaint, with the same force and effect, as though fully rewritten herein.

11. On or about February 17th, 2019 at approximately 1:44 A.M., Timothy B. Green, Jr. was driving a semi tractor-trailer unit, east on I-90/94; Plaintiffs' decedent, Devenna Ausrie Patterson was a passenger, who off duty at the time of the subject fatal trucking accident.

Defendant Devenna Ausrie Patterson was not acting within the course and scope of any employment and/or agency at the time of this fatal trucking accident.

12. Snow was falling and the road surface became slippery and snow covered.

13. Timothy B. Green, Jr. was acting within the course and scope of his agency and/or employment and in furtherance of the business interest of the Defendants Service Plus Transport, Inc., and/or Service Plus, LLC and/or SP Leasing, LLC and/or Service Plus Logistics, Inc. and/or C.D.L. Training Service and Consulting, Inc., at the time of the fatal trucking accident, described herein.

14. Timothy B. Green, Jr. was the agent, servant and/or employee, acting within the course and scope of his agency and/or employment and in furtherance of the Defendants' business interests, with Defendants Service Plus Transport, Inc., and/or Service Plus, LLC and/or SP Leasing, LLC and/or Service Plus Logistics, Inc. and/or C.D.L. Training Service and Consulting, Inc., at the time of the trucking accident described herein.

15. Timothy B. Green, Jr. was the agent, servant and/or employee, acting within the course and scope of his agency and/or employment with Defendants Service Plus Transport, Inc., and/or Service Plus, LLC and/or SP Leasing, LLC and/or Service Plus Logistics, Inc. and/or C.D.L. Training Service and Consulting, Inc., at the time of the trucking accident described herein.

16. Timothy B. Green, Jr. was operating with tractor/trailer with the permission and consent of Defendants Service Plus Transport, Inc., and/or Service Plus, LLC and/or SP Leasing, LLC and/or Service Plus Logistics, Inc. and/or C.D.L. Training Service and Consulting, Inc., at the time of the trucking accident described herein.

17. Timothy B. Green, Jr. drove the semi tractor-trailer off the roadway and broke through the guardrail. Timothy B. Green, Jr. then drove the vehicle off the edge of a cliff at Mirror Lake.

18. The vehicle fell approximately 107 feet to the frozen lake below.

19. The vehicle broke through the ice and the tractor became submerged under the water; at some point the trailer broke away from the tractor and floated to the surface of the water.

20. As a direct and proximate result of the negligence of the Timothy B. Green, Jr., Devenna Ausrie Patterson suffered fatal injuries. Timothy B. Green, Jr. suffered fatal injuries as well.

COUNT I: WRONGFUL DEATH

21. Plaintiffs restate and incorporate by reference the allegations contained in Paragraphs One through Twenty (1-20), with the same force and effect, as though fully rewritten herein.

22. Timothy B. Green, Jr. operated the tractor-trailer in a careless, reckless and negligent manner, in that he (1) failed to use reasonable care, (2) failed to maintain reasonable control of the vehicle, (3) failed to maintain the vehicle on the roadway, and (4) was operating said vehicle in violation of the Federal Motor Carrier Safety Regulations, including, *inter alia.*, (a) driving in a fatigued condition, (b) operating the tractor trailer in violation of the maximum permissible hours for driving for commercial vehicle., (c) failing to maintain a record of duty status as required, and (4) was otherwise careless, reckless and negligent.

23. Defendants Service Plus Transport, Inc., and/or Service Plus, LLC and/or SP Leasing, LLC and/or Service Plus Logistics, Inc. and/or C.D.L. Training Service and Consulting, Inc., were each careless, reckless and negligent, in that the negligence of Timothy B. Green, Jr. is imputed to them under the doctrine of *respondeat superior* and under agency law principles. Further, Defendants Service Plus Transport, Inc., and/or Service Plus, LLC and/or SP Leasing, LLC and/or Service Plus Logistics, Inc. and/or C.D.L. Training Service and Consulting, Inc., failed to properly train and/or supervise Timothy B. Green, Jr. by ensuring that he maintain his record

of duty status, failing to take the necessary precautions to be certain that Green take the breaks required by the Federal Motor Carrier Safety Regulations, so that he would not become fatigued while driving and pose a dangerous risk to himself and to others on the roadway, permitted Green to drive in excess of the number of hours permitted by the Federal Motor Carrier Safety Regulations, failed to set up an itinerary which allowed Green to take the necessary breaks and were otherwise careless, reckless and negligent.

24. Plaintiffs' decedent, Devenna Ausrie Patterson, sustained fatal injuries as a direct and proximate result of the carelessness, recklessness, and negligence of the Defendants, the Estate of Timothy B. Green, Jr., Service Plus Transport, Inc., and/or Service Plus, LLC and/or SP Leasing, LLC and/or Service Plus Logistics, Inc. and/or C.D.L. Training Service and Consulting, Inc.,

25. As a direct and proximate result of the tortious conduct of the Defendants, the Estate of Timothy B. Green, Jr. Service Plus Transport, Inc., and/or Service Plus, LLC and/or SP Leasing, LLC Service Plus Logistics, Inc. and/or C.D.L. Training Service and Consulting, Inc., the Plaintiffs are entitled to compensation for this wrongful death claim, including, *inter alia*, damages for funeral expenses, medical expenses, future wage loss, loss of future earning capacity, loss of companionship, loss of care, loss of consortium, loss of assistance, loss of enjoyment of life and for severe mental anguish caused by the death.

26. As a direct and proximate result of the tortious conduct of the Defendants Timothy B. Green, Jr. Service Plus Transport, Inc., and/or Service Plus, LLC and/or SP Leasing, LLC and/or Service Plus Logistics, Inc. and/or C.D.L. Training Service and Consulting, Inc., the Plaintiffs are presumed to have suffered damages by reason of the wrongful death in an amount,

yet to be determined, but in any event in excess of the jurisdictional amount of twenty-five thousand (\$25, 000.00) dollars,

27. Plaintiffs are entitled to recover damages, *inter alia*, for the loss of support, from the reasonably expected earning capacity of the decedent; loss of services of the decedent; loss of the society of the decedent, companionship, consortium and care; loss of prospective inheritance to the decedent's heirs; and for mental anguish.

28. Plaintiffs are entitled to judgment against Defendants, the Estate of Timothy B. Green, Jr., Service Plus Transport, Inc., and/or Service Plus, LLC and/or SP Leasing, LLC and/or Service Plus Logistics, Inc. and/or C.D.L. Training Service and Consulting, Inc., in an amount yet to be determined, but in excess of Twenty-five thousand (\$25, 000.00) Dollars as and for compensatory damages.

29. Plaintiffs are entitled to judgment against Defendants, the Estate of Timothy B. Green, Jr. Service Plus Transport, Inc., and/or Service Plus, LLC and/or SP Leasing, LLC and/or Service Plus Logistics, Inc. and/or C.D.L. Training Service and Consulting, Inc., in an amount yet to be determined, but in excess of Twenty-five thousand (\$25, 000.00) as and for punitive damages to be awarded by the trier of fact.

COUNT II: SURVIVORSHIP

30. Plaintiffs restate and incorporate by reference the allegations contained in Paragraphs One through Twenty-nine (1-29), with the same force and effect, as though fully rewritten herein.

31. In effect, this claim allows the family member to step into the shoes of the deceased and bring the lawsuit he or she would have been entitled to bring. Damages recoverable under a survivor claim are limited to any damages which the deceased might have recovered had he or she lived. This includes damages for pain and suffering from the time of injury until death and any damage to property occurring at the same time as the bodily injury.

COUNT III: NEGLIGENT ENTRUSTMENT

32. Plaintiffs restate and incorporate by reference the allegations contained in Paragraphs One through Thirty-seven (1-37), with the same force and effect, as if fully rewritten herein.

33. At the time of this fatal trucking accident, Defendants Service Plus Transport, Inc., and/or Service Plus, LLC and/or SP Leasing, LLC and/or Service Plus Logistics, Inc. ~~had~~ permitted and consented to the operation of the vehicle by Timothy B. Green, Jr., whom the Defendants knew or should have known, was a careless, incompetent and reckless driver, who was likely to cause injuries to others lawfully using the roadway as a result of several factors, including, but not limited to, operating the vehicle in a fatigued condition.

34. Defendants Service Plus Transport, Inc., and/or Service Plus, LLC and/or SP Leasing, LLC and/or Service Plus Logistics, Inc. were each negligent, when each permitted and authorized the vehicle and their freight, to be driven by an employee and/or agent, whom they knew or should have known would not follow the Federal Motor Carrier Safety Regulations (FMCSR) and therefore, said driver, Timothy B. Green, Jr. would drive the vehicle when he was not in a condition to do so.

35. The negligence of Timothy B. Green, Jr., included, *inter alia*, the following: Timothy B. Green, Jr. drove the semi tractor-trailer off the roadway and broke through the guardrail. Timothy B. Green, Jr. then drove the vehicle off the edge of a cliff at Mirror Lake. The

vehicle fell approximately 107 feet to the frozen lake below. The vehicle broke through the ice and the tractor became submerged under the water; at some point the trailer broke away from the tractor and floated to the surface of the water. As a direct and proximate result of the negligence of Timothy B. Green, Jr., Plaintiffs' decedent, Devenna Patterson suffered fatal injuries.

36. Plaintiffs are entitled to recover damages, *inter alia.*, for loss of support, from the reasonably expected earning capacity of the decedent; loss of services of the decedent; loss of the society of the decedent, companionship, consortium and care; loss of prospective inheritance to the decedent's heirs; and for mental anguish.

37. Plaintiffs are entitled to judgment against Defendants, the Estate of Timothy B. Green, Jr., Service Plus Transport, Inc., and/or Service Plus, LLC and/or SP Leasing, LLC and/or Service Plus Logistics, Inc., in an amount yet to be determined, but in excess of Twenty-five thousand (\$25, 000.00) Dollars as and for compensatory damages.

38. Plaintiffs are entitled to judgment against Defendants Timothy B. Green, Jr. Service Plus Transport, Inc., and/or Service Plus, LLC and/or SP Leasing, LLC and/or Service Plus Logistics, Inc. in an amount yet to be determined, but in excess of Twenty-five thousand (\$25, 000.00) as and for punitive damages to be awarded by the trier of fact.

COUNT IV: NEGLIGENT ENTRUSTMENT

39. Plaintiffs restate and incorporate by reference the allegations contained in Paragraphs One through Forty-four (1-44), with the same force and effect, as if fully rewritten herein.

40. At the time of this fatal trucking accident, Defendants Service Plus Transport, Inc., and/or Service Plus, LLC and/or Service Plus Logistics, Inc. and/or SP Leasing, LLC had permitted and consented to the operation of the vehicle and the transportation of the freight, by Timothy B. Green, Jr., whom the Defendants knew or should have known, was a careless, incompetent and

reckless driver, who was likely to cause injuries to others lawfully using the roadway as a result of several factors, including, but not limited to, operating the vehicle in a fatigued condition.

41. Defendants Service Plus Transport, Inc., and/or Service Plus, LLC, Service Plus Logistics, Inc. acting as licensed brokers for their own financial gain, negligently entrusted to SP Leasing, LLC, to transport freight in interstate commerce, knowing that said Defendant SP Leasing, LLC was likely to violate the Federal Motor Carrier Safety Regulations, including, but not limited to, violations of hours of services rules.

42. The negligence of Timothy B. Green, Jr., included the following: Mr. Green drove the semi tractor-trailer off the roadway and broke through the guardrail. Defendant Timothy B. Green, Jr. then drove the vehicle off the edge of a cliff at Mirror Lake. The vehicle fell approximately 107 feet to the frozen lake below. The vehicle broke through the ice and the tractor became submerged under the water; at some point the trailer broke away from the tractor and floated to the surface of the water. As a direct and proximate result of the negligence of Timothy B. Green, Jr., Devenna Patterson suffered fatal injuries.

43. Plaintiffs, including the parents and minor children of the Plaintiff's decedent, are entitled to recover damages, *inter alia*, for loss of support, from the reasonably expected earning capacity of the decedent; loss of services of the decedent; loss of the society of the decedent, companionship, consortium and care; loss of prospective inheritance to the decedent's heirs; and for mental anguish.

44. Accordingly, Plaintiffs are entitled to judgment against Defendants, the Estate of Timothy B. Green, Jr., Service Plus Transport, Inc., and/or Service Plus, LLC and/or SP Leasing, LLC and/or Service Plus Logistics, Inc., in an amount yet to be determined, but in excess of Twenty-five thousand (\$25, 000.00) Dollars as and for compensatory damages.

45. Plaintiffs are entitled to judgment against Defendants, the Estate of Timothy B. Green, Jr. Service Plus Transport, Inc., and/or Service Plus, LLC and/or SP Leasing, LLC in an amount yet to be determined, but in excess of Twenty-five thousand (\$25, 000.00) as and for punitive damages to be awarded by the trier of fact.

COUNT V: NEGLIGENCE HIRING

46. Plaintiffs restate and incorporate by reference the allegations contained in Paragraphs One through Forty-five (1-45), with the same force and effect, as if fully rewritten herein.

47. At the time of this fatal trucking accident, Defendants Service Plus Transport, Inc., and/or Service Plus, LLC and/or Service Plus Logistics, Inc. had hired, by and through a contract carrier agreement, and/or broker agreement and/or lease agreement, Defendant SP Leasing, LLC to transport freight in interstate commerce. Defendant SP Leasing, LLC, in turn, hired Timothy B. Green, Jr. to operate the vehicle whom the Defendants knew or should have known was likely to violate the Federal Motor Carrier Safety Regulations, including, but not limited to, violations of hours of service rules.

48. Defendant SP Leasing, LLC had negligently hired Timothy B. Green, Jr., whom the Defendants knew or should have known, was a careless, incompetent and reckless driver, who was likely to cause injuries to others lawfully using the roadway as a result of several factors, including, but not limited to, operating the vehicle in a fatigued condition.

49. The negligence of Timothy B. Green, Jr., included the following: Mr. Green drove the semi tractor-trailer off the roadway and broke through the guardrail. Defendant Timothy B. Green, Jr. then drove the vehicle off the edge of a cliff at Mirror Lake. The vehicle fell approximately 107 feet to the frozen lake below. The vehicle broke through the ice and the tractor became submerged under the water; at some point the trailer broke away from the tractor and

floated to the surface of the water. As a direct and proximate result of the negligence of Timothy B. Green, Jr., Devenna Patterson suffered fatal injuries.

50. Plaintiffs, including the parents and minor children of the Plaintiff's decedent, for loss of support, from the reasonably expected earning capacity of the decedent; loss of services of the decedent; loss of the society of the decedent, companionship, consortium and care; loss of prospective inheritance to the decedent's heirs; and mental anguish.

51. Accordingly, Plaintiffs are entitled to judgment against Defendants, the Estate of Timothy B. Green, Jr., Service Plus Transport, Inc., and/or Service Plus, LLC and/or SP Leasing, LLC in an amount yet to be determined, but in excess of Twenty-five thousand (\$25, 000.00) Dollars as and for compensatory damages.

52. Plaintiffs are entitled to judgment against Defendants, the Estate of Timothy B. Green, Jr. Service Plus Transport, Inc., and/or Service Plus, LLC and/or SP Leasing, LLC in an amount yet to be determined, but in excess of Twenty-five thousand (\$25, 000.00) as and for punitive damages to be awarded by the trier of fact.

COUNT VI: NEGLIGENT TRAINING

53. Plaintiffs restate and incorporate by reference the allegations contained in Paragraphs One through Fifty-three (1-53), with the same force and effect, as if fully rewritten herein.

54. Defendant C.D.L. Training Service and Consulting, Inc. is an Illinois corporation, engaged in the business of training truck drivers for the transportation of freight in interstate commerce. Said Defendant C.D.L. Training Service and Consulting, Inc. had a duty to the Plaintiffs and to other motorists, to train prospective drivers to act with reasonable care, and to train drivers, who would then be fit and competent to perform the necessary duties to transport freight for an interstate commerce carrier.

55. . Defendant C.D.L. Training Service and Consulting, Inc. knew or should have known that Timothy B. Green, Jr. was not reasonably fit and competent and/or was otherwise unsuited and unfit to operate the tractor trailer, in a manner which complied with the Federal Motor Carrier Safety Regulations.

56. Defendant C.D.L. Training Service and Consulting, Inc. negligently failed to train Timothy B. Green, Jr., who was not reasonably fit and competent and/or was otherwise unsuited and unfit to operate the tractor trailer, in a manner which complied with the Federal Motor Carrier Safety Regulations.

57. The negligence of Timothy B. Green, Jr., included the following: Mr. Green drove the semi tractor-trailer off the roadway and broke through the guardrail. Defendant Timothy B. Green, Jr. then drove the vehicle off the edge of a cliff at Mirror Lake. The vehicle fell approximately 107 feet to the frozen lake below. The vehicle broke through the ice and the tractor became submerged under the water; at some point the trailer broke away from the tractor and floated to the surface of the water. As a direct and proximate result of the negligence of Timothy B. Green, Jr., Devenna Patterson suffered fatal injuries.

58. Plaintiffs are entitled to compensation for loss of support, from the reasonably expected earning capacity of the decedent; loss of services of the decedent; loss of the society of the decedent, companionship, consortium and care; loss of prospective inheritance to the decedent's heirs; and mental anguish.

59. Accordingly, Plaintiffs are entitled to judgment against Defendants, the Estate of Timothy B. Green, Jr., and C.D.L. Training Service and Consulting, Inc., in an amount yet to be determined, but in excess of Twenty-five thousand (\$25,000.00) Dollars as and for compensatory damages.

60. Plaintiffs are entitled to judgment against Defendants, the Estate of Timothy B. Green, Jr. and C.D.L. Training Service and Consulting, Inc. in an amount yet to be determined, but in excess of Twenty-five thousand (\$25, 000.00) as and for punitive damages to be awarded by the trier of fact.

COUNT VII: NEGLIGENT ENTRUSTMENT

61. Plaintiffs restate and incorporate by reference the allegations contained in Paragraphs One through Sixty (1-60), with the same force and effect, as if fully rewritten herein.

62. At the time of this fatal trucking accident, Defendants Service Plus Transport, Inc., and/or Service Plus, LLC and/or Service Plus Transport, Inc. and/or Service Plus Logistics, Inc. had hired, by and through a contract carrier agreement, and/or broker agreement and/or lease agreement, Defendant SP Leasing, LLC to transport freight in interstate commerce. Defendant SP Leasing, LLC, in turn, hired Timothy B. Green, Jr. to operate the vehicle whom the Defendants knew or should have known was likely to violate the Federal Motor Carrier Safety Regulations, including, but not limited to, violations of hours of services rules.

63. At the time of this fatal trucking accident, Defendants SP Leasing, LLC had hired, by and through a contract carrier agreement, and/or broker agreement and/or lease agreement, Defendant Service Transport, Inc. and/or Defendant Service Plus, LLC and/or Defendant Service Plus Logistics, Inc., to transport freight in interstate commerce. Defendant Service Transport, Inc. and/or Defendant Service Plus, LLC and/or Defendant Service Plus Logistics, Inc., in turn, hired Timothy B. Green, Jr. to operate the vehicle, whom the Defendants knew or should have known was likely to violate the Federal Motor Carrier Safety Regulations, including, but not limited to, violations of hours of services rules.

64. Defendant Service Transport, Inc. and/or Defendant Service Plus, LLC and/or Defendant Service Plus Logistics, Inc. and/or had negligently hired Timothy B. Green, Jr., whom the Defendants knew or should have known, was a careless, incompetent and reckless driver, who was likely to cause injuries to others lawfully using the roadway as a result of several factors, including, but not limited to, operating the vehicle in a fatigued condition.

65. The negligence of Timothy B. Green, Jr., included the following: Mr. Green drove the semi tractor-trailer off the roadway and broke through the guardrail. Defendant Timothy B. Green, Jr. then drove the vehicle off the edge of a cliff at Mirror Lake. The vehicle fell approximately 107 feet to the frozen lake below. The vehicle broke through the ice and the tractor became submerged under the water; at some point the trailer broke away from the tractor and floated to the surface of the water. As a direct and proximate result of the negligence of Timothy B. Green, Jr., Devenna Patterson suffered fatal injuries.

66. Plaintiffs are entitled to compensation for the loss of support, from the reasonably expected earning capacity of the decedent; loss of services of the decedent; loss of the society of the decedent, companionship, consortium and care; loss of prospective inheritance to the decedent's heirs; and mental anguish.

67. Accordingly, Plaintiffs are entitled to judgment against Defendants, the Estate of Timothy B. Green, Jr., Service Plus Transport, Inc., and/or Service Plus, LLC and/or SP Leasing, LLC and/or Service Plus Logistics, Inc., in an amount yet to be determined, but in excess of Twenty-five thousand (\$25, 000.00) Dollars as and for compensatory damages.

68. Plaintiffs are entitled to judgment against Defendants, the Estate of Timothy B. Green, Jr. Service Plus Transport, Inc., and/or Service Plus, LLC and/or SP Leasing, LLC and/or

Service Plus Logistics, Inc., in an amount yet to be determined, but in excess of Twenty-five thousand (\$25,000.00) as and for punitive damages to be awarded by the trier of fact.

COUNT VII: JOINT VENTURE LIABILITY

69. Plaintiffs restate and incorporate by reference the allegations contained in Paragraphs One through Sixty-eight (1-68), with the same force and effect, as if fully rewritten herein.

70. At the time of this fatal trucking accident, Defendants SP Leasing, LLC, Service Plus Transport, Inc., and/or Service Plus, LLC and/or Service Plus Logistics, Inc. were engaged in a joint venture, which had hired, Timothy B. Green, Jr., to transport freight in interstate commerce. D turn hired Timothy B. Green, Jr., whom the Defendants knew or should have known was likely to violate the Federal Motor Carrier Safety Regulations, including, but not limited to, violations of hours of services rules.

71. Defendants SP Leasing, LLC and/or Service Plus Transport, Inc., and/or Service Plus, LLC and/or Service Plus Logistics, Inc. negligently hired Timothy B. Green, Jr., whom the Defendants knew or should have known, was a careless, incompetent and reckless driver, who was likely to cause injuries to others lawfully using the roadway as a result of several factors, including, but not limited to, operating the vehicle in a fatigued condition.

72. The negligence of Timothy B. Green, Jr., included the following: Mr. Green drove the semi tractor-trailer off the roadway and broke through the guardrail. Timothy B. Green, Jr. then drove the vehicle off the edge of a cliff at Mirror Lake. The vehicle fell approximately 107 feet to the frozen lake below. The vehicle broke through the ice and the tractor became submerged under the water; at some point the trailer broke away from the tractor and floated to the surface of the water. As a direct and proximate result of the negligence of Timothy B. Green, Jr., Devenna Patterson suffered fatal injuries.

73. Plaintiffs are entitled to compensation for the loss of support, from the reasonably expected earning capacity of the decedent; loss of services of the decedent; loss of the society of the decedent, companionship, consortium and care; loss of prospective inheritance to the decedent's heirs; and mental anguish.

74. Accordingly, Plaintiffs are entitled to judgment against Defendants, the Estate of Timothy B. Green, Jr., Service Plus Transport, Inc., and/or Service Plus, LLC and/or SP Leasing, LLC and/or Service Plus Logistics, Inc., in an amount yet to be determined, but in excess of Twenty-five thousand (\$25, 000.00) Dollars as and for compensatory damages.

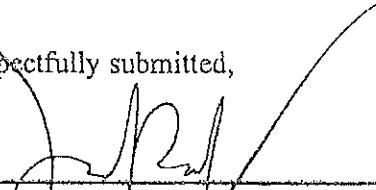
75. Plaintiffs are entitled to judgment against Defendants, the Estate of Timothy B. Green, Jr. Service Plus Transport, Inc., and/or Service Plus, LLC and/or SP Leasing, LLC and/or Service Plus Logistics, Inc., in an amount yet to be determined, but in excess of Twenty-five thousand (\$25, 000.00) as and for punitive damages to be awarded by the trier of fact.

RELIEF REQUESTED

WHEREFORE Plaintiffs, the Estate of Devenna Ausric Patterson, by and through its Administrator, Shalanda Patterson, et. al., demand judgment be entered against Defendants the Estate of Timothy B. Green, Jr., and/or Service Plus Transport, Inc. and/or Service Plus, LLC and/or SP Leasing, LLC and/or Service Plus Logistics, Inc. and/or C.D.L. Training Service and Consulting, Inc., in an amount yet to be determined, but in excess of Twenty-Five Thousand Dollars (\$25,000.00) for each, as and for compensatory damages; further, Plaintiffs are entitled to judgment against Defendants, the Estate of Timothy B. Green, Jr. Service Plus Transport, Inc., and/or Service Plus, LLC and/or Service Plus Logistics, Inc. and/or SP Leasing, LLC and/or C.D.L. Training Service and Consulting, Inc., in an amount yet to be determined, but in excess of Twenty-five thousand (\$25, 000.00) as and for punitive damages to be awarded by the trier of

fact and, finally, Plaintiffs , demands such additional relief, to which they may be entitled, at law and/or equity, including pre-judgment interest, post-judgment interest, a reasonable award of attorney's fees and an award of costs incurred in the prosecution of this matter:

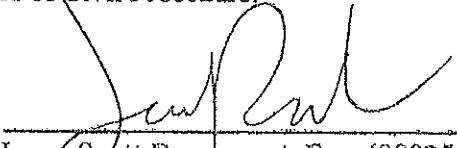
Respectfully submitted,



Jason Scott Rappaport, Esq. [0092516]
Andrew Yuspeh, Esq. [0080600]
Trial Attorneys for Plaintiffs
Yuspeh Rappaport Law, LLC
5001 Mayfield Road, Suite 210
Lyndhurst, Ohio 44124
(216) 417-6758
(216) 920-9999 (FAX)
E-mail: jason@getyrlaw.com

JURY DEMAND

Plaintiffs the Estate of Devenna Ausrie Patterson, by and through its Administrator Shalanda Patterson, et.al., by and through counsel, demand a Trial by Jury on all issues so triable pursuant to Civil Rules 38 and 39 of the Ohio Rules of Civil Procedure.



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Andrew Yuspeh, Esq. [0080600]
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INSTRUCTIONS TO CLERK

Please issue Summons to the named Defendants and serve Summons and the Complaint, at the addresses listed in the caption, via Certified U.S. Mail service, Return Receipt Requested. Please issue process by regular U.S. Mail service, should a Complaint be returned, "UNCLAIMED."

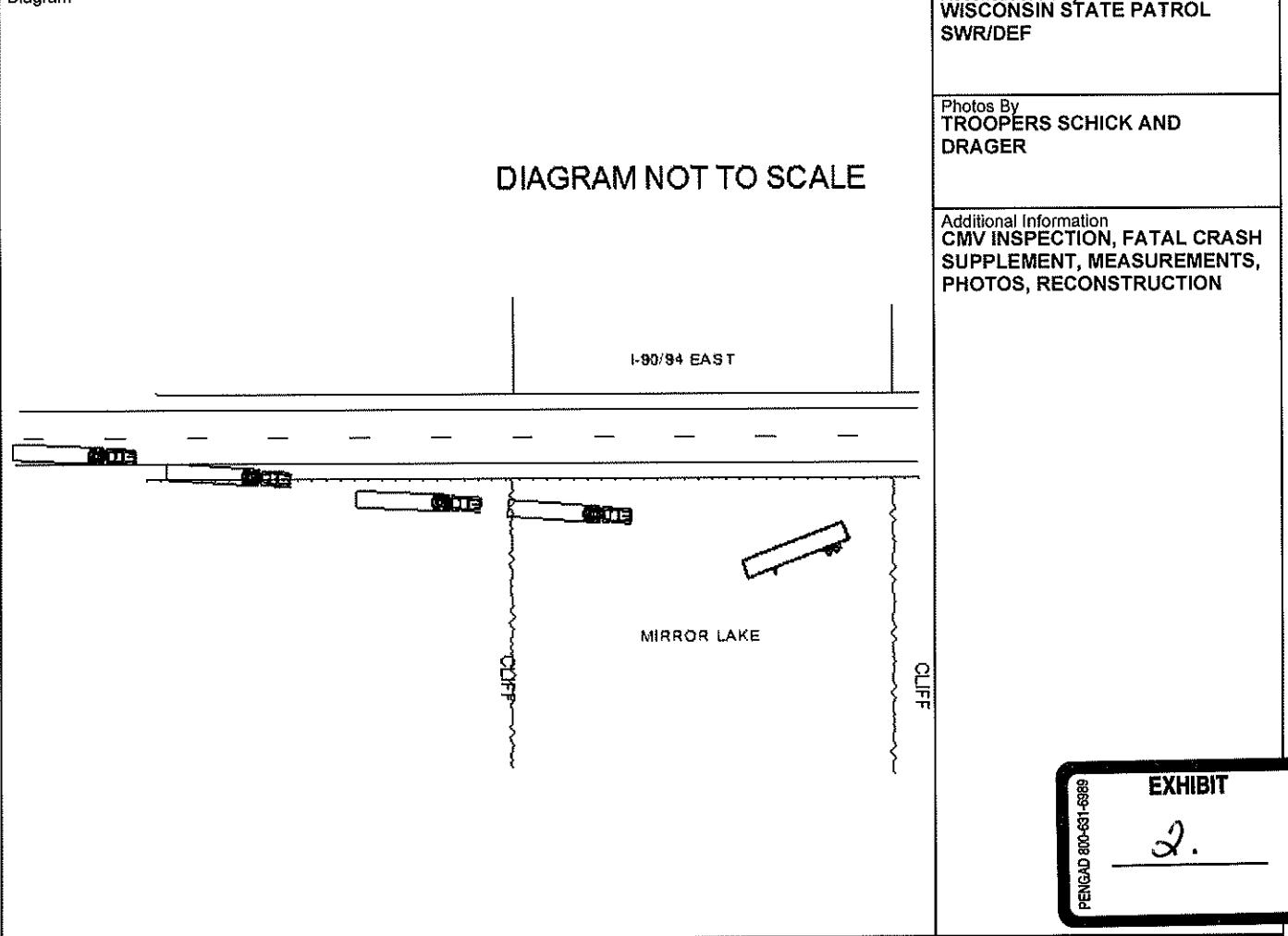
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KRL04PZ7VF
000113-6498WISCONSIN MOTOR VEHICLE
CRASH REPORTWI STATE PATROL SWR/DEF
911 W NORTH ST
DE FOREST, WI 53532 1971
(608) 846-8500

Document Number Override KRL04PZ7V4		Primary Crash Document #	Agency Crash Number 000113-6498	Investigating Officer/Deputy TROOPER J. SCHICK	
Crash Date 02/17/2019		Crash Time 01:44 AM	Date Arrived 02/17/2019	Time Arrived 07:40 AM	
Date Notified 02/17/2019		Time Notified 07:35 AM	Total Units 01	Total Injured 00	Total Killed 02
<input type="checkbox"/> On Emergency <input type="checkbox"/> Hit and Run <input checked="" type="checkbox"/> Lane Closure <input type="checkbox"/> Work Zone		<input checked="" type="checkbox"/> Trailer or Towed <input checked="" type="checkbox"/> Reporting Threshold			
<input checked="" type="checkbox"/> Government Property		<input type="checkbox"/> Active School Zone	School Bus Related NO		Tags
<input checked="" type="checkbox"/> Reportable		Crash Type DT4000 (STANDARD CRASH)		<input checked="" type="checkbox"/> Amended	<input type="checkbox"/> Secondary Crash

Description

Diagram



I, a sworn law enforcement officer, agree that I have not added any CJIS data in this report.

TIMOTHY GREEN WAS DRIVING A SEMI UNIT EAST ON I-90/94. DEVENNA PATTERSON WAS A PASSENGER IN THE VEHICLE. SNOW WAS FALLING AT THE TIME OF THE CRASH AND THE ROAD SURFACE WAS BECOMING SNOW COVERED AND SLIPPERY. THE VEHICLE LEFT THE ROADWAY OFF OF THE RIGHT SIDE. THE SEMI BROKE THROUGH THE GUARD RAIL FACE AND CONTINUED TRAVELING OFF OF THE ROADWAY. VEHICLE THEN DROVE OFF OF THE EDGE OF A CLIFF AT MIRROR LAKE. THE VEHICLE FELL APPROXIMATELY 107 FEET TO THE FROZEN LAKE BELOW. THE VEHICLE BROKE THROUGH THE ICE AND THE TRACTOR BECAME SUBMERGED BENEATH THE WATER. THE TRAILER BROKE AWAY FROM THE TRACTOR AND FLOATED TO THE SURFACE OF THE WATER. BOTH DRIVER AND PASSENGER WERE FATALLY INJURED IN THE CRASH. THE DRIVER WAS SEATBELTED INTO THE DRIVER SEAT. THE PASSENGER WAS EJECTED FROM THE VEHICLE. THERE ARE NO KNOWN WITNESSES TO THE CRASH AND IT WAS NOT DISCOVERED UNTIL DAYLIGHT, SEVERAL HOURS AFTER THE CRASH IS BELIEVED TO HAVE OCCURRED. TIME OF CRASH WAS DETERMINED BY GPS INFORMATION PROVIDED BY THE CARRIER COMPANY. GREEN WAS OPERATING WITH A BLOOD ALCOHOL CONTENT (.20) OVER THE LEGAL LIMIT (.08).

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TOXICOLOGY INFORMATION RECEIVED FROM CORONERS OFFICE.

Location

ON IH90 EB 0.34 MI S OF XANADU RD IN THE VILLAGE OF LAKE DELTON IN SAUK COUNTY	Latitude 43.579657415	Longitude -89.804078898
	X Coordinate 273599.75	Y Coordinate 4829008.5
	Structure Type	

Crash Scene

First Harmful Event GUARDRAIL FACE		First Harmful Event Location SHOULDER RIGHT	
Manner of Collision NO COLLISION W/VEHICLE IN TRANSPORT		Light Condition DARK/UNLIT	
Road Surface Condition(s) SNOW		Roadway Factor(s)	
Environment Factor(s) WEATHER CONDITIONS		ROAD SURFACE CONDITION (WET, ICY, SNOW, SLUSH, ETC)	
Weather Condition(s) SNOW			
Animal Type		Relation To Trafficway TRAFFICWAY - ON ROAD	
Crash Classification - Location PUBLIC PROPERTY		Crash Classification - Jurisdiction NO SPECIAL JURISDICTION	
Tribal Land		Access Control FULL CONTROL	Special Study
Within Interchange Area NO	Junction Location NON-JUNCTION	Intersection Type NOT AN INTERSECTION	
Closure Type FULL CLOSURE		Reasons for Closure	
Date Initial Lane/Rd Closed 02/17/2019	Time Initial Lane/Rd Closed 09:00 AM	LAW ENFORCEMENT, TOW TRUCK, FIRE/EMS	
Date All Lanes Open 02/17/2019	Time All Lanes Open 04:41 PM	Date Scene Cleared 02/17/2019	Time Scene Cleared 04:42 PM

Unit Summary

01 UNIT	Unit Status IN TRANSIT		Vehicle Operating As Classification A CLASS		Unit Type TRUCK
	Vehicle Type TRUCK TRACTOR (SEMI ATTACHED)				Operating As Endorsements
	Total Occs 2	Train/Bus # Recorded	Total # Citations Issued 0	Total Trailers 1	Total HazMat Types 0
	Insurance? YES	Direction Of Travel EASTBOUND	<input checked="" type="checkbox"/> Pre Crash Tire Mark	Speed Limit 70	Total Lanes 2
	Most Harmful Event: Collision With IMMERSION, FULL OR PARTIAL		Special Function NO SPECIAL FUNCTION		Emergency Motor Vehicle Use NOT APPLICABLE
	Traffic Way DIVIDED HWY W/TRAFFIC BARRIER		Traffic Control NO CONTROL		Traffic Control Inoperative/Missing NO
	Surface Type CONCRETE		Road Curvature STRAIGHT		Road Grade LEVEL

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Truck Bus or HazMat TRUCK OR TRUCK COMBINATION > 10,000LBS GVWR/GCWR																																																																																																															
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UN	INDIV	Address 210 STEEL DRIVE ELIZABETHTOWN, KY 42701 , US		Driver License Number G18023558 STATE: KENTUCKY COUNTRY: UNITED STATES	
01	001	Safety Equipment	On Duty Crash Seat Position 1--FRONT SEAT-LEFT SIDE (DRIVER/MOTORCY		Safety Equipment SHOULDER & LAP BELT
		Helmet Use			Helmet Compliance
		Eye Protection			Tint Compliance
		Injury	Injury Severity FATAL INJURY		Airbag UNKNOWN
		Ejected NOT EJECTED	Ejection Path NOT EJECTED/NOT APPLICABLE		Trapped/Extricated TRAPPED/EXTRICATED
Medical Transport NOT TRANSPORTED		EMS Agency Identifier		EMS Run #	
Hospital		Date of Death 02/17/2019		Time of Death 01:44	
Distracted By	Distracted By Source				
Distracted By Action UNKNOWN					
Non Motorist	Striking Unit #	Location			
Prior Action					
Action					
Action Other					
To/From School					
Drug & Alcohol	Suspected Alcohol Use YES		Suspected Drug Use NO		
Alcohol Test Given TEST GIVEN		Alcohol Test Type BLOOD		Alcohol Test Results 20	
Drug Test Given TEST GIVEN		Drug Test Type BLOOD		Drug Test Results PRESENCE	
Drug Type OTHER					
Individual Condition					
NOT OBSERVED					
Individual					
Passenger DEVENNA AUSRIE PATTERSON		Citations Issued 0	Sex FEMALE		
		Date of Birth 04/13/1994	Race BLACK		

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UN 01	INDIV 002	Address 210 STEEL DRIVE ELIZABETHTOWN, KY 42701 , US		Driver License Number P18024533 STATE: KENTUCKY COUNTRY: UNITED STATES
		Safety Equipment On Duty Crash Seat Position UNKNOWN		Safety Equipment RESTRAINT USE UNKNOWN
Helmet Use		Helmet Compliance		
Eye Protection		Tint Compliance		
Injury FATAL INJURY		Airbag NON DEPLOYED		
Ejected TOTALLY EJECTED		Ejection Path UNKNOWN		Trapped/Extricated NOT TRAPPED
Medical Transport NOT TRANSPORTED		EMS Agency Identifier		EMS Run #
Hospital		Date of Death 02/17/2019		Time of Death 01:44
Distracted By		Distracted By Source		
Distracted By Action				
Non Motorist		Striking Unit #	Location	
Prior Action				
Action				
Action Other		To/From School		
Drug & Alcohol TEST GIVEN		Suspected Alcohol Use NO	Suspected Drug Use NO	
Alcohol Test Given TEST GIVEN		Alcohol Test Type BLOOD	Alcohol Test Results 00	
Drug Test Given TEST GIVEN		Drug Test Type BLOOD	Drug Test Results NEGATIVE	
Drug Type				
Individual Condition NOT OBSERVED				
Carrier				
<input type="checkbox"/> Use Vehicle Owner Same as Carrier		Source VEHICLE-SIDE		
Name SERVICE PLUS TRANSPORT USDOT# 486778		Address 3686 FLOWERFIELD CIRCLE PINES, MN 55014 , US		

KRL04PZ7VF
000113-6498WISCONSIN MOTOR VEHICLE
CRASH REPORTWI STATE PATROL SWR/DEF
911 W NORTH ST
DE FOREST, WI 53532 1971
(608) 846-8500

UNIT TRUCK BUS	GVWR MORE THAN 26,000 LB	Vehicle Configuration TRUCK TRACTOR/SEMI-TRAILER			Cargo Body Type VAN/ENCLOSED BOX	
	US DOT # 486778	Carrier Type INTERSTATE CARRIER			Permitted Load NOT APPLICABLE	
	<input type="checkbox"/> OS/OW Load	WI Permit Number	<input type="checkbox"/> Permitted Vehicle On Permitted Route	<input type="checkbox"/> Escort Vehicle Required By Permit	<input type="checkbox"/> Escort Vehicle Present	
	Measured Height	Measured Length	Measured Width	Measured Weight		

Property Owner

PROP OWNER 01	Government WISCONSIN DEPT OF TRANSPORTATION (608) 246-3800		Address 2101 WRIGHT ST MADISON, WI 53705 2583, US		
	Fixed Objects Struck				
01	Striking Unit 01	Struck Object GUARDRAIL FACE		Structure Number	Damage Tag Number 351382